

Remarks

The Official Action rejected claims 1-36. Applicant respectfully requests the rejection of claims 1-36 be withdrawn for the reasons indicated below.

Defective Oath/Declaration

The Official Action rejected claims 1-36 as being based upon a defective reissue declaration. The Official Action indicated that the reissue declaration filed with the present Application is defective because the error which is relied upon to support the reissue is not an error upon which a reissue can be based. In support, the Official Action quoted the following from MPEP 1414:

In identifying the error, it is sufficient that the reissue oath/declaration identify a single word, phrase, or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid. (emphasis provided in Official Action).

The Applicant respectfully submits the filed declaration meets the above requirements. In particular, the declaration identified the limitation "television receiver". Further, the declaration indicates how the identified limitation rendered the patent wholly or partly inoperative or invalid by stating the error resulted in the patentee claiming less than he had a right to claim.

Further, the MPEP 1414 paragraph quoted in the Official Action goes on to state:

If the initial reissue oath/declaration "states at least one error" in the original patent, and, in addition, recites the specific corrective action taken in the reissue application, the oath/declaration would be considered acceptable, even though the corrective action statement is not required.


The Applicant further submits the filed declaration meets the above requirements of stating "at least one error" and reciting "the specific corrective action taken". More specifically, the declaration indicates that the patentee erred by claiming less than he had a right to claim. Further, the declaration indicates that the reissue application corrects the error by adding new claims that do not include "television receiver" limitations.

Finally, while the Applicant appreciates that actions taken in other matters may have no precedential value, reissue declarations similar to the present reissue declaration have been deemed effective in other reissue applications of the Applicant. However, if the Examiner elects to maintain the present rejection of claims 1-36, Applicant respectfully requests specific guidance in regard to how to address any perceived defects.

Conclusion


The foregoing is submitted as a full and complete response to the Official Action. Applicant submits that the application is in condition for allowance. Reconsideration is requested, and allowance of the pending claims is earnestly solicited. Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account 02-2666. If the Examiner believes that there are any informalities, which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (503) 439-8778 is respectfully solicited.

Respectfully submitted,


Gregory D. Caldwell
Reg. No. 39,926

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c/o Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
408-720-8300

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